



Ezra Marcus  
Zuckerman Spaeder LLP  
emarcus@zuckerman.com  
(202) 778-1814

September 30, 2020

**VIA ECF**

Hon. Brian M. Cogan  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Full Circle United, LLC v. Bay Tek Entertainment, Inc., No. 20-cv-3395-BMC

Dear Judge Cogan:

This letter responds to the Letter Motion that Bay Tek Entertainment, Inc. filed yesterday and clarifies Full Circle United LLC's position regarding the Motion.

As undersigned counsel conveyed by phone to counsel for Bay Tek, at the same time that the Court set a briefing schedule for Bay Tek's Motion to Dismiss, it also set a deadline of November 9, 2020, for amending the pleadings without leave of Court. ECF 23 at 2. The amendments Full Circle presently contemplates, which are prompted in part by Bay Tek's Answer/Countercomplaint, are unlikely to obviate any of Bay Tek's dismissal arguments. Accordingly, undersigned counsel proposed that Bay Tek file its motion as scheduled, and that the parties confer promptly afterward (undersigned proposed October 2) in order to determine whether they could agree to the filing of an amended complaint that would *not* moot Bay Tek's motion, allowing the existing briefing schedule to remain undisturbed. Of course, during that conference, Bay Tek would remain free not to agree that its pending motion should remain in effect after any amendment. In that event, Full Circle would need to file either a response to the motion or an amended complaint by October 14, 2020, the deadline that the Court set for Full Circle to respond to Bay Tek's motion.

Full Circle's view is simply that, because there is a possibility that the briefing on Bay Tek's motion to dismiss can proceed as scheduled notwithstanding Full Circle's contemplated amendments to the Complaint, there is no need to disrupt the schedule preemptively, especially given that the schedule contemplates the possibility of amendments well after the deadline for Bay Tek's motion. However, if the Court grants Bay Tek's extension request, Full Circle respectfully asks that it retain the ability to amend its Complaint without leave of Court until November 9.

Sincerely,

Ezra Marcus

HON. BRIAN M. COGAN  
SEPTEMBER 30, 2020  
PAGE 2

cc: Counsel of record (via ECF)